

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

VIRGIL PURNELL

PLAINTIFF

v.

CIVIL ACTION NO. 4:18-CV-247-MPM-RP

**DEVINEY CONSTRUCTION CO. INC.
AND RICHARD BLACK**

DEFENDANT

ORDER

Before the court is the Plaintiff's opposed Motion for Reimbursement of Fees and Costs associated with a settlement conference cancelled by Defendant. Docket 52. Plaintiff, represented by counsel from Georgia *pro hoc vice*, contends that he incurred substantial costs in making hotel and flight arrangements to travel to Oxford, Mississippi for the settlement conference. The uncontested facts indicate that Defendant cancelled the November 21, 2019 settlement conference on November 20, 2019.

Paragraph 6 of the Settlement Conference Scheduling Order requires, in most circumstances, that a party request to cancel the settlement conference at least two (2) days prior via telephone conference. Docket 19. Furthermore, Paragraph 9 of the Case Management Order requires that a party notify the Court at least seven (7) days prior via e-mail if it wishes to cancel the settlement conference. Docket 18. Defendant did not notify the court in conformity with either procedure as required by the Orders. The court, having considered the motion, finds that it is well-taken and should be granted.

IT IS, THEREFORE, ORDERED, that the Defendant reimburse the Plaintiff for the costs incurred associated with the settlement conference in the amount of \$629.44.

SO ORDERED, this the 23rd day of January, 2020.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE